

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IRON WORKERS LOCAL NO. 25
PENSION FUND, et al.,

Plaintiffs,

v.

WATSON WYATT & COMPANY,

Defendant.

CIVIL ACTION NO. 04-40243

DISTRICT JUDGE PAUL V. GADOLA

MAGISTRATE JUDGE DONALD A. SCHEER

**ORDER DENYING DEFENDANT'S
MOTION TO BAR TESTIMONY OF
PLAINTIFFS' ATTORNEYS OR TO COMPEL
THEIR DEPOSITIONS**

Defendant's Motion to Bar Testimony of Plaintiffs' Attorneys or to Compel Their Depositions was referred to the undersigned magistrate judge for hearing and determination. The parties appeared, by counsel, for hearing on November 7, 2006. Having reviewed Defendant's motion, together with Plaintiffs' response, and having heard the arguments of counsel, I find that the motion should be denied.

Plaintiffs have not listed the subject attorneys as witnesses. Counsel for Plaintiffs represented that the presentation of testimony by the subject attorneys is not anticipated. Should Plaintiffs later attempt to list the subject attorneys as witnesses, Defendants may insist upon a substantial showing of good cause for the late designation, and should be permitted to conduct the depositions of the proposed witnesses prior to their appearance at trial. At this juncture, however, an order precluding the designation of such witnesses entirely is inappropriate.

IT IS THEREFORE ORDERED that Defendant's Motion to Bar Testimony of Plaintiffs' Attorneys or to Compel Their Depositions is denied, without prejudice.

s/Donald A. Scheer
DONALD A. SCHEER
UNITED STATES MAGISTRATE JUDGE

DATED: November 8, 2006

CERTIFICATE OF SERVICE

I hereby certify on November 8, 2006 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on November 8, 2006. **None.**

s/Michael E. Lang
Deputy Clerk to
Magistrate Judge Donald A. Scheer
(313) 234-5217